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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,000	03/19/2004	Masanori Itoh	250792US2	6923
22850	7590	04/01/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PARK, CHAN S	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 04/01/2009	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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# Office Action Summary

Application No.

10/804,000

Applicant(s)

ITO ET AL.

Examiner

CHAN S. PARK

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/23/09 has been entered.

### ***Response to Amendment***

2. Applicant's amendment was received on 3/23/09, and has been entered and made of record. Currently, **claims 1-23** are pending.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

4. Claims are objected to because of the following informalities:

Claim 14, line 10, "a print server connected to a printer" should be -- the print server connected to the printer --.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 8-12, 14 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Ferlitsch US Patent Application Pub. No. 2002/0097424.

**With respect to claim 1**, Ferlitsch discloses a server apparatus (spooler 190 of fig. 7 being a server according to paragraphs 28 & 30), comprising:

a first sharing unit that shares a print environment thereof with other apparatuses on a network (fig. 7), wherein the first sharing unit includes

a connection management unit that manages, in response to a print reservation by a user (paragraph 42), the connecting of the first sharing unit to a second sharing unit of a second server apparatus on the network (sending print message 197 to the spooler 192 in paragraph 75), the second server being selected based on acquired route information (managing the connection by selecting the spooler connection 192 in the network based on the printer destination information in paragraphs 75 & 76); and

a transfer unit that transfers information of the print reservation, the acquired route information, and a document related to the print reservation to the second sharing unit of the second server apparatus (transmitting the message 197 having the print job information and the destination in paragraph 75) for

routing to a print server connected to a printer identified in the information of the print reservation (forwarding the message to the appropriate print server and the printer defined in the message in paragraph 75 & figs. 9~10). Refer to paragraphs 33~36.

**With respect to claim 8**, Ferlitsch discloses the server apparatus as claimed in claim 1, further comprising: a reservation data storage unit that stores the reservation information and the document (note that the message must be stored either temporarily/permanently in order to transmit in paragraph 75).

**With respect to claim 9**, Ferlitsch discloses the server apparatus as claimed in claim 1, further comprising: a document acquisition unit that acquires the document (note that the document must be acquired first in order to transmit in paragraph 75).

**With respect to claim 10**, Ferlitsch discloses the server apparatus as claimed in claim 1, further comprising: a document management service unit that provides a service for managing the document (managing the print jobs in paragraph 75).

**With respect to claim 11**, Ferlitsch discloses the server apparatus as claimed in claim 1, further comprising: a document storage unit that stores the document (note that the message must be stored either temporarily/permanently in order to transmit in paragraph 75).

**With respect to claim 12**, Ferlitsch discloses the server apparatus as claimed in claim 1, further comprising: a print service unit that provides service related to printing (instructing the print process in paragraphs 75~77).

**With respect to claims 14 and 19**, arguments analogous to those presented for claim 1, are applicable. Note that the CPU of the server must manage the connection/disconnection with other network devices in order to ensure to the data transmission.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferlitsch as applied to claim 1 above, and further in view of Goodman et al. U.S. Patent No. 7,130,921 (hereinafter Goodman).

**With respect to claims 2 and 3**, Ferlitsch discloses the server apparatus as claimed in claim 1, but it does not explicitly disclose that the connection management unit adds or deletes connection data related to or from the second sharing unit to service data indicating other sharing units in the network that are connected to the first sharing unit, in response to a connection/disconnection request from the second sharing unit.

Goodman, the same field of endeavor of the network server managing the plurality of clients in the network, discloses a server having a connection management unit which adds or deletes connection data related to or from the second sharing unit to

service data indicating other sharing units in the network that are connected to the first sharing unit, in response to a connection/disconnection request from the second sharing unit (upon receiving a connect signal the server adds the client address to the connected client list in col. 8, lines 31-34. Also, the server, according to Goodman deletes the client address upon receiving the disconnect signal from the client in col. 9, lines 31-33). Thus, the server maintains the most recent connected client list (service data) based on the connect/disconnect signal from each client in the network.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the server of Ferlitsch to include the unit for maintaining the connected client list as taught by Goodman.

The suggestion/motivation for doing so would have been to facilitate the data transfer between one server to another by accessing the network server (col. 2, lines 1-6 of Goodman).

Therefore, it would have been obvious to combine Ferlitsch with Goodman to obtain the invention as specified in claims 2 and 3.

**With respect to claim 5**, the combination discloses the server apparatus as claimed in claim 2, further comprising: a service data storage unit that stores the service data (storage for storing the list in col. 8, lines 31-34 of Goodman).

**With respect to claim 6**, the combination discloses the server apparatus as claimed in claim 2, further comprising: an acquisition unit that acquires the service data from the second sharing unit (receiving the IP address of the client in col. 8, lines 31-34).

**With respect to claim 7**, Ferlitsch discloses the server apparatus as claimed in claim 1, but it does not explicitly disclose a consistency check unit that checks consistency of a connection state in which the second sharing unit is connected to the first sharing unit and a disconnection state in which the second sharing unit is disconnected from the first sharing unit.

Goodman, the same field of endeavor of the network server managing the plurality of clients in the network, discloses server having a consistency check unit for checking consistency of a connection/disconnection state in which the clients are connected to the server (col. 8, lines 41-57).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the server of Ferlitsch to include the consistency check unit as taught by Goodman.

The suggestion/motivation for doing so would have been to ensure that the servers are connected for proper network transmission.

Therefore, it would have been obvious to combine Ferlitsch with Goodman to obtain the invention as specified in claim 7.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ferlitsch and Goodman as applied to claim 2 above, and further in view of Rosenzweig et al. U.S. Patent No. 5,915,096 (hereinafter Rosenzweig).

**With respect to claim 4**, the combination teaches the apparatus as claimed in claim 2, wherein the connection data related to the second sharing unit added to the



service data are managed as one of upper level data, same level data, and lower level data, which indicates a hierarchical relationship between the first sharing unit and the second sharing unit within the network.

Rosenzweig teaches the method of exchanging messages indicating its hierarchical level within the network with other devices, including servers and clients (col. 5, lines 50-64 & col. 10, lines 4-22).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the server of Ferlitsch to include the means for generating the hierarchical level of connected clients/servers in the network as taught by Rosenzweig.

The suggestion/motivation for doing so would have been to provide more efficient communication network system by informing its hierarchical level and by maintaining the hierarchical list.

Therefore, it would have been obvious to combine three references to obtain the invention as specified in claim 4.

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ferlitsch as applied to claim 1 above, and further in view of Cantwell U.S. Patent No. 6,542,892.

**With respect to claim 13**, the combination discloses the apparatus as claimed in claim 1, but it does not explicitly disclose a print unit that prints the document.

Cantwell, the same field of endeavor of the network printing art, discloses a server having an embedded printer for printing documents (col. 2, lines 20-24).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the server of Ferlitsch to include the printer for printing the document as taught by Cantwell.

The suggestion/motivation for doing so would have been to provide a server for printing the document locally.

Therefore, it would have been obvious to combine Ohta with Cantwell to obtain the invention as specified in claim 13.

9. Claims 15, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferlitsch as applied to claim 14 above, and further in view of Goodman.

**With respect to claims 15 and 16**, arguments analogous to those presented for claims 2 and 3, are applicable.

**With respect to claim 18**, arguments analogous to those presented for claim 7, are applicable.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ferlitsch and Goodman as applied to claim 15 above, and further in view of Rosenzweig.

**With respect to claim 17**, arguments analogous to those presented for claim 4, are applicable.

11. Claims 20, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ferlitsch as applied to claim 19 above, and further in view of Goodman.

**With respect to claims 20 and 21**, arguments analogous to those presented for claims 2 and 3, are applicable.

**With respect to claim 23**, arguments analogous to those presented for claim 7, are applicable.

12. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ferlitsch and Goodman as applied to claim 15 above, and further in view of Rosenzweig.

**With respect to claim 22**, arguments analogous to those presented for claim 4, are applicable.

***Conclusion***

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S. PARK whose telephone number is (571)272-7409. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHAN S PARK/  
Primary Examiner, Art Unit 2625

March 26, 2009